

**ENTERED**

July 21, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**LUIS MORENO and MARIA  
CARMEN MORENO,**

**Plaintiffs,**

**V.**

**HIDALGO COUNTY, CITY OF  
EDCOUCH, and JUSTIN GALVAN,<sup>1</sup>**

## Defendants.

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**Civil Action No. 7:24-CV-00344**

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the June 6, 2025, Memorandum and Recommendation (“M&R”) issued by Magistrate Judge J. Scott Hacker. (Dkt. No. 27). Judge Hacker made findings and conclusions and recommended that the Motion to Dismiss filed by Defendants Hidalgo County and Deputy Justin Galvan’s (“Defendants”), (Dkt. No. 12), be granted in part, (Dkt. No. 27 at 2, 48–49).

Specifically, Judge Hacker recommended dismissing the following claims against Hidalgo County be dismissed: (1) Plaintiffs’ Section 1983 claims; (2) their Americans with Disabilities Act (“ADA”) claim based on disability discrimination; (3) and their Section 504 claims. (Dkt. No. 27 at 2, 48). But he recommended denying dismissal of (1) Plaintiffs’

<sup>1</sup> The Court directs the Clerk to REMOVE the City of Edcouch Police Department and the Hidalgo County Sheriff's Department as defendants in this case.

Plaintiffs originally named both departments in their state-court petition. (Dkt. No. 1 at 1–2); (Dkt. No. 27 at 2–3). After removal, Plaintiffs amended their pleadings and omitted both as defendants. (Dkt. No. 11 at 1); (Dkt. No. 27 at 3). Accordingly, the Clerk is directed to terminate them as parties to this case.

Section 1983 excessive-force claim against Galvan and (2) their ADA failure-to-accommodate claim against Hidalgo County. (*Id.* at 2, 48–49). He also recommended granting Plaintiffs leave to amend all claims against Hidalgo County. (*Id.* at 2, 49).

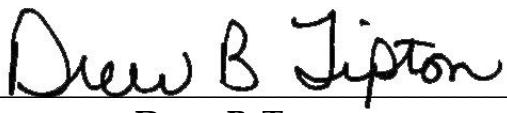
The Parties received proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No objections were filed. The Court therefore reviews the M&R for plain error only. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts and adopts the M&R in full. It is therefore ordered that:

- (1) Judge Hacker’s M&R, (Dkt. No. 27), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants Hidalgo County and Deputy Justin Galvan’s Motion to Dismiss, (Dkt. No. 12), is **GRANTED in part**. The following claims against Hidalgo County are **DISMISSED without prejudice**:
  - a. Plaintiffs’ Section 1983 claims;
  - b. Plaintiffs’ ADA claim based on disability discrimination; and
  - c. Plaintiffs’ Section 504 claims.
- (3) Plaintiffs are **GRANTED** leave to amend their pleadings **no later than August 15, 2025** as to all claims against Hidalgo County under Federal Rule of Civil Procedure 15(a).

It is SO ORDERED.

Signed on July 21, 2025.

  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE